

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Abercrombie & Fitch Co., :  
 :  
 Plaintiff, :  
 :  
 v. : Case No. 2:06-cv-0831  
 :  
 Federal Insurance Company, : JUDGE SARGUS  
 :  
 Defendant. :

ORDER

In January, 2008, Federal Insurance Company and National Union Fire Insurance Company of Pittsburgh, Pa. briefed an issue concerning the applicability of the work product doctrine to certain documents in the possession of National Union. In its brief, National Union also raised the issue of whether the documents are relevant to any of Federal's claims. Federal moved to strike that portion of the brief, arguing that the Court had asked the parties to brief only the work product issue. Federal did not make a response to the relevance argument other than to assert that any relevance objection had been waived.

Judge Sargus has now issued an Opinion and Order denying Federal's motion for summary judgment and construing certain disputed provisions of the insurance policy in question. In light of that order, the Court wishes to give the parties a further opportunity to discuss the relevance of the documents which were the subject of the prior briefing. The Court therefore denies the motions to strike (#80). If Federal is still interested in the production of these documents, it may file a further brief on their discoverability in light of Judge Sargus' order by October 14, 2008. National Union may reply within seven days thereafter.

/s/ Terence P. Kemp  
United States Magistrate Judge